

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND  
FRANCHISES

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B E F O R E: DONOVAN RICHARDS  
CHAIRPERSON

COUNCIL MEMBERS:

DANIEL GARODNICK  
VINCENT GENTILE  
ANTONIO REYNOSO  
JUMAANE WILLIAMS

## A P P E A R A N C E S (CONTINUED)

DEBORAH ROSE  
COUNCIL MEMBER

DAVID GREENFIELD  
COUNCIL MEMBER

TOM MCKNIGHT  
NEW YORK CITY ECONOMIC DEVELOPMENT  
CORPORATION

RICHARD MARIN  
THE NEW YORK WHEEL

JORDAN MOST  
HAMILTON PLAZA ASSOCIATES

MICHAEL HARWOD  
ST. GEORGE CIVIC ASSOCIATION

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3

1  
2 All righty, good morning, so good morning  
3 all righty and I want to start by saying Council  
4 Member Antonio Reynoso gets the green star today, is  
5 it green star or gold star? Gold star, sorry  
6 environmental friendly star for getting here first  
7 today and I will ask my colleagues to have a sit we  
8 are ready to begin. Good morning I am Council Member  
9 Donovan Richards, Chair of the Subcommittee on Zoning  
10 and Franchises and today we are joined by the  
11 following Council Members: Council Member Dan  
12 Garodnick, Council Member Vince Gentile, Council  
13 Member Antonio Reynoso, our Chair of Land Use as  
14 well, Council Member Greenfield and also Council  
15 Member Rose who has an item on the agenda today.  
16 Today we'll be, we will be holding a public hearing  
17 and voting on 2 items. L.U. No. 288, a modification  
18 of a previously approved special permit and L.U. No.  
19 289 a modification to a previously approved  
20 restrictive declaration. I will now open the public  
21 hearing for L.U. No. 288 a special permit,  
22 application to allow for the development of  
23 observation wheel accessory terminal building and  
24 parking garage located in Community district 1 of  
25 Staten Island which is in Council Member Debbie Rosie

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1  
2 district. And since she is here, I will call on  
3 Council Member Rose to make a statement on this  
4 issue.

5 COUNCIL MEMBER ROSE: Thank you Chair  
6 Richards and good morning. Good morning to the Chair  
7 and members of the Subcommittee on Zoning and  
8 Franchises, I want to thank Rich Marin of the New  
9 York Wheel and Tom McKnight from the City's Economic  
10 Development Corporation for being here to inform  
11 members of the Subcommittee about the changes in the  
12 plan for the New York Wheel. I understand that many  
13 of these changes have been driven by Geo Technical  
14 analysis that found that the soil beneath the  
15 northwest corner of site where piles would have been  
16 placed for the proposed parking garage is unsuitable  
17 for foundation placement. This reduced the overall  
18 blueprint for the site leading a, leading to several  
19 scale modifications that are before this Subcommittee  
20 today. While these changes have given some initial  
21 challenges, they have also presented us with the  
22 opportunity to revisit the impact that this project  
23 will have on my district, on all of Staten Island and  
24 on the City as a whole. Throughout this process we  
25 have all maintained a positive working relationship

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1  
2 of mutual respect the benefit of all Staten Islanders  
3 and for... for that I am very appreciative. I am  
4 especially appreciative to St. George Civic  
5 Association who's input has proven to be invaluable.  
6 The approval process for these modification has  
7 through and necessarily so, though I've also been a  
8 strong proponent of economic development and the  
9 possibilities that the New York Wheel could bring to  
10 Staten Island. My focus has been on coming to an  
11 agreement that includes amenities that will benefits  
12 the surrounding communities and upland neighborhood  
13 as well. That balance has been foremost in my mind  
14 through every step of the review and oversight  
15 process. As these modification work their way  
16 through the community board where they were approved  
17 29 to 4 through the oversight of the Borough  
18 President and through City Planning Commission, which  
19 approved them unanimously. I've been in conversation  
20 with the developers and with the administration to  
21 ensure that these changes do not adversely impact  
22 Staten Islanders. And because of this process and  
23 these conversations I can now say that we have  
24 reached a point where I can give the modification my  
25 support. All of the points of agreement that I

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1  
2 fought for in 2013 (inaudible 5:26) are positively  
3 reflected in these changes. With ongoing oversight  
4 and diligence this project will benefit all Staten  
5 Islanders and I encourage my colleagues to vote I.

6 CHAIR RICHARDS: Thank you Council Member  
7 Rose and now with that being said we will call on the  
8 applicant Richard Marin from The New York Wheel and  
9 also Tom McKnight who is joining us from EDC. Now I  
10 request you just to reintroduce yourself and your  
11 organization as well your representing. Thank you,  
12 you may begin.

13 TOM MCKNIGHT: Tom McKnight, New York  
14 City Economic Development Corporation. I have some  
15 short remarks. On behalf of EDC and the City of New  
16 York I'm pleased to express my strong support for the  
17 Wheel project and it's current applications before  
18 the City Council. Since the Wheel received prior  
19 approval back in 2013 the project has been moving  
20 diligently forward. This is included further  
21 designed development extensive agency coordination  
22 and comprehensive analysis of condition of the site  
23 all of which have led to design changes that are  
24 before you today. We view these changes as part of  
25

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1  
2 the evolution of the project and are confident that  
3 the core benefits of the project remain intact.

4           On behalf of the City, I would like to  
5 reaffirm that the City remain fully committed to  
6 working closely with you, the Council and the  
7 community on these projects and will continue to  
8 address any concerns as the projects advance. The  
9 Wheel will transform the (inaudible 7:24)water fund  
10 into a major destination for Boroughs, Staten Island,  
11 the City and the Region by constructing a 630 foot  
12 observation wheel with retail exhibition space  
13 theatre, open space and a parking garage. It will  
14 bring over 350 construction jobs, 450 permanent jobs.  
15 The project will also participate in EDCs higher NYC  
16 program to provide permanent jobs to low income  
17 individuals. It will provide new and enhanced in  
18 connection from St. George to the waterfront with new  
19 walkways, bike paths and a new vehicular garage  
20 entrance from Richmond Terrace. It will create 7  
21 acres of open space and it will maintain all of the  
22 820 existing parking spaces throughout construction  
23 while adding an additional 150 spaces at the time of  
24 project completion.

25

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1  
2 Overall the project totals about half of  
3 billion in private investment and will result in the  
4 transformation of a formerly underutilized St. George  
5 Waterfront into a major mixed use destination.

6 This project in addition to the empire  
7 outlets and lighthouse point just to the south,  
8 represents over a billion dollars in private new  
9 development on Staten Island's north shore. These  
10 major catalytic projects along with the Stapleton  
11 Waterfront a little bit further down the north shore  
12 take advantage of the supreme public transit access  
13 and central location of downtown St. George.

14 Thank you to Councilwoman Rose and to the  
15 New York City Council Subcommittee on Zoning and  
16 Franchises for your time. On behalf EDC and the  
17 City, I hope that this Subcommittee, the Land Use  
18 Committee and ultimately the full Council will  
19 provide their support for this application. I'll now  
20 turn it over to Rich Marin.

21 RICH MARIN: Thank you Tom. Thank you  
22 Chairman Richards, thank you Subcommittee Council  
23 Members and especially thank you Council Member Rose  
24 who without who's support and guidance through this  
25 process would have, this project would not have



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1  
2 gotten this far and would not be as good as it is  
3 right now, so thank you very much Council Member  
4 Rose.

5 Council Member Rose and Mr. McKnight have  
6 done a good job of actually giving you a summary of  
7 what I'm going to say but I'll try and be very brief  
8 and explaining these modifications. I know you all  
9 have copies of this drawing in front of you, so I'll  
10 try and talk to these, this from this drawing.

11 The soil conditions that Council Member  
12 Rose referenced were indeed a surprise to us because  
13 yes we had done a lot of Geo Tech work but we had to  
14 do even more Geo Tech work after the application but  
15 most importantly when we learned that the department  
16 of building shifted from the 08 code to the 2014 code  
17 there were specific provisions that provided for  
18 standards for buildings in area subject to what's  
19 called liquefaction, which is a sizement condition  
20 where the soil basically kind of gets soft and  
21 unreliable. Because of that we had to take that  
22 portion of the western portion of the design garage  
23 reminding of course that the garage is predominately  
24 an amenity which the City required us to build. It's  
25 not something that we from a commercial standpoint

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1 necessarily wanted or needed to build because we  
2 believe most of our... our visitors will be coming over  
3 the harbor by waterbourne transportation. But in  
4 order to accommodate the garage with full 950 spaces  
5 that we had committed to, we needed to take the  
6 garage and if you will sort of squeeze it in a little  
7 bit because it couldn't go onto that portion of the  
8 soil that was a subject to this liquefaction. In  
9 doing so the size of the garage went up on level from  
10 3 levels to 4 levels and became slightly more angular  
11 as you would imagine it would happen if you  
12 compressed this space and kept the same 950 car  
13 parking capability. I will add that 950 cars in the  
14 prior design had far greater value and managed  
15 parking then the current design, so for the commuters  
16 of Staten Island, this is a better facility now  
17 because it has far more self-park, which is clearly  
18 their preference. We also in order to accommodate  
19 that had to make our commercial space in the terminal  
20 smaller because there's just so much that will fit on  
21 this sight and the garage was a priority to the City.  
22 The overall height of the garage only went up by  
23 about 13 feet in one section of about 20 feet in  
24 width and in the rest of the section of that 1,000  
25

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1 foot run of the full length of our facility the  
2 height of the massing was actually at or below the  
3 prior level. So there was only one of one small  
4 portion to accommodate that extra level and I might  
5 add that's a section which is not really directly  
6 impacting to many people because of the hillside and  
7 in fact from Richmond Terrace it was taking an  
8 elevation from about 30 feet to 43 feet so when you  
9 walked along Richmond Terrace it was actually not  
10 impeding your view anymore then it had already been  
11 impeded by the structure. So the massing was a very  
12 minor change in our opinion. The changes to the  
13 burming were also necessary because in pulling this  
14 structure in and adding the extra level, burming was  
15 structural not as possible as it was. So we ended up  
16 with a more angular design which was a concern to  
17 some when they originally saw it, the  
18 characterization I personally liked the best was that  
19 we changed this from an English garden to a French  
20 garden. The point is that it's still a garden, it's  
21 still a beautiful 7 plus acre green roof and we  
22 believe still a very beautiful facility just a little  
23 different then it was before. But that change also  
24 allowed us to create a naturally ventilated garage,  
25

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1 which is both eco-friendlier and indeed uses less  
2 energy than the prior design, there is a little more  
3 structure that's being shown but only a little more.  
4 The structure is basically similar to what had been  
5 approved in 2013. The other thing that did change  
6 was that the 1,000 length of our facility along  
7 Richmond Terrace has a 50 foot rail right of way that  
8 the MTA needs to keep available for future use. It's  
9 actually just the siding right now but it will in  
10 theory be used in the future for other rail or bus  
11 rapid transit. As such, decking over that rail right  
12 of way was very much a part of the plan to create the  
13 conductivity that the Councilwoman spoke of from  
14 upland to down land that was so important to the  
15 community. In providing that decking, 1,000 feet is  
16 a standard that the MTA has that designate it's as a  
17 tunnel that has mandatory mechanical ventilation.  
18 Mechanical ventilation was an inferior and less safe  
19 ventilation mechanism based on the report of experts.  
20 Then natural ventilation because of the way diesel  
21 smoke accumulates. As such, we needed to reduce the  
22 length of the decking at either end by 100 to 150  
23 feet and that changed a little bit of the decking  
24 exposure as well. The bulk 800 some odd feet of the  
25

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1 1,000 feed it still decked over and beautifully  
2 landscaped. Those are the fundamental changes that  
3 gave rise to all of the conversations around this  
4 modification. We did by reducing the size of the  
5 terminal have to eliminate a white tablecloth  
6 restaurant but we replaced it with an open air  
7 alfresco beer garden that quite frankly would be more  
8 interesting and useful to the community members and  
9 more accessible to them.  
10

11 In addition, because of all the stairs  
12 and access points that we added for this new design,  
13 we actually have more ways to get up and down from  
14 upland to down land and we were less able to control  
15 those points in entry so that we decided to make this  
16 fully accessible 24x7 which was not the case before.  
17 So now what you have is site that is available 24x7  
18 to community, has more open accessible space, has an  
19 amenity like a restaurant that is actually more  
20 accessible from a cost standpoint to the community.  
21 The playground which is very much the result of hard  
22 work with Council Member Rose, which was intended  
23 always to serve the community was maintained at the  
24 same level as Richmond Terrace as the prior one was,  
25 because of the ADA compliant ramp that the City

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1  
2 planning asked us to put in to make even more  
3 accessibility from down land to upland to the very  
4 top of the roof. We had to restrict the size so what  
5 we did was even thought it's a little bit smaller  
6 than the old playground we actually increased with  
7 the help of I'm Impaul Freburg (sic)who designs many  
8 of the playgrounds in the City increased the play  
9 value by changing the equipment to higher quality  
10 equipment that was more age appropriate for the  
11 community members that would be using it. So we  
12 believe we have maintained as the Councilwoman said  
13 all of the elements that we committed to in 2013  
14 actually improved on some of the elements and I think  
15 most importantly we've resulted in what many of  
16 believe to be a more beautiful project then we had  
17 before, one on which 100 union men and woman are  
18 working today and have been for five months and are  
19 anxiously awaiting your approval to be able to  
20 welcome an additional 250 on to the site to finish  
21 the construction. Thank you very much.

22 CHAIR RICHARDS: Thank you, so I just  
23 have, so can you go through, so I have to say you  
24 just mentioned union jobs. So how many jobs in  
25 total?

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2                   AND FRANCHISES

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3                   RICH MARIN:   During construction we peak  
4                   out about 350 union jobs.

5                   CHAIR RICHARDS:  Ok.

6                   RICH MARIN:   And then after construction  
7                   on full time equivalent employees since we're open 7  
8                   days a week, 365 days a year.  We and with  
9                   maintenance in the evening we run a complete 24 hour  
10                  shift, 3 shifts a day.  We will have about 450 full  
11                  time employees.

12                 CHAIR RICHARDS:  Can you through so, do  
13                 so MWBE can you speak to particular goals of the  
14                 (inaudible 18:39).

15                 RICH MARIN:   Sure, we've had two  
16                 particular goals here besides being all union during  
17                 our construction phase and by the way we were all  
18                 union right from day one as everybody might recall.  
19                 But when it comes to MWBE I've personally held two  
20                 sessions with Council Member Rose at our sort of  
21                 facility in the Ferry Terminal.  One is recently is  
22                 about a week in a half ago.  So we've done two of  
23                 these already, we have had a number of the local  
24                 contractors that's we've already hired which are MWB  
25                 I point to someone like Walsh Electric which is a  
                  woman owned business based in Staten Island.  We've

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1  
2 also sort of emphasized Staten Island businesses very  
3 very heavily and have people like Racon (sic) building  
4 our temporary jetty, that's a 3 million dollar  
5 contract, so we've... we've tried to favor both Staten  
6 Island businesses and MWBE businesses and we fill  
7 we're doing a good job of meeting that obligation.

8 CHAIR RICHARDS: So... so I did request a  
9 specific number percentage of what so do you have  
10 goal in mind?

11 RICH MARIN: Yes we have a goal of 25%.

12 CHAIR RICHARDS: And how do plan to get  
13 there? Where are you at now? So you spoke with 2  
14 organizations.

15 RICH MARIN: Well it's... it's our numbers  
16 are a little bit overwhelmed by our foundation  
17 contract which is a 56 million dollar contract  
18 provided by Skanska (sic) which unfortunately is not  
19 a MWBE company, I think if you excluded that one  
20 where in excess of our 25% and I think over time we  
21 will be in excess of our 25%, we just have to kind of  
22 get past the or if you will water down that huge  
23 foundation contract that we had to award already so.

24

25



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1  
2 CHAIR RICHARDS: So... so overall the  
3 project from EDC said is EDC said is a half a billion  
4 dollar project.

5 RICH MARIN: Yes. It started as.

6 CHAIR RICHARDS: You said you spoke of a  
7 2 million dollar contract that's going to one  
8 business.

9 RICH MARIN: Three million.

10 CHAIR RICHARDS: Three million, I'm sorry  
11 three million and then you mentioned one other  
12 business, how much is going there?

13 RICH MARIN: Well first of all it's a 510  
14 million dollar project but when you look at the  
15 actual contracted amounts, the trade amounts, we have  
16 about 157 million dollars for Guilbaine (sic) and  
17 probably about 135 million for the wheel builders  
18 themselves, so the number of what I will call trade  
19 contracts because that 510 includes financing and a  
20 lot of other things. The trade contracts are  
21 probably a litter under 300 million in total that we  
22 have to award. In so our objective would be to have  
23 75 million dollars of those contracts going to MWBE.  
24 We don't have a specific goal for Staten Island  
25 business but we look for whatever Staten Island

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1  
2 business that we can right now for instance our  
3 security is provided by Staten Island firm, our  
4 electric is.

5 CHAIR RICHARDS: And that's not an MWBE,  
6 the firm?

7 RICH MARIN: Currently no, it's a Staten  
8 Island firm but not an MWBE but we are in discussions  
9 with an MWBE firm introduced at our very first MWBE  
10 session with the Councilwoman. That is in very good  
11 standing to pick up the security contract for the  
12 next phase.

13 CHAIR RICHARDS: All right, let's go into  
14 local hiring for a second because we're not there and  
15 I want to hear the more tailored and real plan on how  
16 you plan to really address making sure since you said  
17 75 million dollars is there for MWBE, we want to hear  
18 more of a real plan on how you plan to get there.  
19 Can we just go into local hiring for a second so?

20 RICH MARIN: Sure.

21 CHAIR RICHARDS: We're very happy about  
22 to have union jobs, good paying jobs. How are you  
23 intertwining union and balancing it also with local  
24 opportunities?

25

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2 RICH MARIN: Well the first thing you  
3 have to realize, this is a very specialized bill.  
4 For example in our foundation bill, this is one of  
5 the largest foundations put in because of the what's  
6 needed underneath the wheel and we needed to be able  
7 to find a firm that was capable of handling it and  
8 quite frankly Skanska was one of the few that could  
9 do it. So there are some specialized things that  
10 quite frankly there isn't the local skill based to be  
11 able to handle. On the other hand, every opportunity  
12 we have to find a local and or a MWBE company to  
13 fulfill that contract we are trying to do that. We  
14 have the Gilband (sic) representative who is on site,  
15 who is the project manager a fellow by the name of  
16 Dan Test, is indeed a Staten Islander in terms of his  
17 upbringing, went to high school right in our district  
18 and so he has a Fitbit of local knowledge of the  
19 various contractors and welcomes them and attends  
20 these sessions with us so that we make sure that we  
21 keep all of the doors open for both local and MWBE.

22 CHAIR RICHARDS: So what local  
23 organizations, so I hear him but are you working with  
24 any local organizations to ensure that especially  
25 parts of Staten Island that have been undeveloped,

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1 I'm sure just like the Rockaways, there has to be  
2 some local organizations on the ground doing work  
3 every day to try to plug in local job opportunities  
4 for locals, so I'm interested to hearing how you're  
5 working with them and I haven't, still have not heard  
6 a clear indication on what the local hiring  
7 percentage goal is from you as well so?

9 RICH MARIN: The local hiring goal was  
10 never sort of set as a percentage the way the MWBE  
11 goals was set. But if I had to say what is our goal  
12 for MWBE for local hires, I would say the same thing  
13 I would say 25%.

14 CHAIR RICHARDS: I thing you could do  
15 better than that.

16 RICH MARIN: Well were prepared to do  
17 better than that if we have qualified local companies  
18 and I'm going to give you an example. We actually  
19 had one foundation company on Staten Island that  
20 would have qualified to bit on the foundation, very  
21 big job 56 million dollar job. However, they were  
22 too busy with other jobs so they chose not to bid, so  
23 sometimes that just happens and I will tell you in  
24 the case of Walsh Electric, who done a lot of the  
25 early work for us on site and they are both local and

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21

1 women owned, woman owned, there bid for overall  
2 electric proposal which a 15 million dollar bid was 6  
3 times bigger than any contract they'd ever had.  
4

5 CHAIR RICHARDS: So I want to the MW,  
6 what I will recommend and I would hope to get a yes  
7 on the record from you that there is some sort of  
8 task force from led by Council Member Rose perhaps  
9 and she, her being able to pull together perhaps  
10 there's some local organizations that can be helpful  
11 in insuring that local individuals have an  
12 opportunity hiring so, can I get that commitment on  
13 the record.

14 RICH MARIN: You can get that commitment  
15 on the record from me, we welcome Council Member  
16 Rose's help on that, in fact I was going to say that  
17 the only people that we are really working on that  
18 are Council Member Rose, their they only people that  
19 have approached us in so, were glad to do that.

20 CHAIR RICHARDS: An will EDC, can EDC  
21 play a role here to?

22 TOM MCKNIGHT: And we have been, just to  
23 build off on Rich's comments. Two things of note,  
24 the project participating in the higher NYC program  
25 which is focused on the permanent jobs aspect of the

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1 project, so they will be participating and that will  
2 be the vehicle to help ensure that local people  
3 qualified local people have job opportunities.

4 CHAIR RICHARDS: Is there a central  
5 location if residence wanted to apply for jobs at  
6 this site? Is there a Workforce One Center on Staten  
7 Island?  
8

9 RICH MORAN: In fact well there is not  
10 just a Workforce One Center at 120 Stivision Place  
11 (sic) right next door to Council Member Rose's office  
12 but it's on the 3<sup>rd</sup> floor and we're in negotiation to  
13 take up half of the 4<sup>th</sup> floor as our headquarters on  
14 Staten Island because Workforce One is one floor  
15 below, we plan to use them and the College of Staten  
16 Island which is taking the ground floor of that same  
17 building as our continuous ongoing training partners.

18 TOM MCKNIGHT: So this short answer is  
19 yes, there will be a central location for local  
20 residence who are interested in jobs opportunities.

21 CHAIR RICHARDS: How do you plan to do  
22 outreach on this? Is there a plan on outreach or I.

23 {crosstalk}

24 TOM MCKNIGHT: There's already, there has  
25 been and they'll continually be outreach through

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23

1 organizations, business originations, the chambers,  
2 SIADC, local organizations that we make contact with  
3 through the Councilwoman, so there will be a robust  
4 outreach.  
5

6 CHAIR RICHARDS: Ok. I will go to  
7 Council Member Reynoso, but I am very interested in  
8 this part of the conversation. And we've been joined  
9 by Council Member Richie Torres from the Bronx.

10 COUNCIL MEMBER REYNOSO: Good morning  
11 guys, how are you doing? I'm really excited about  
12 this project. I think that, I'm from Brooklyn so I  
13 don't go to Staten Island that often. The only time  
14 I go is to visit Debbie. It is actually true, it is  
15 very true. So and to play baseball against the  
16 Mayor. So and lose. So I'm excited about this  
17 project, I'm really excited about seeing this happen.  
18 I'm afraid of height so I probably won't be on the  
19 wheel itself, but I think it's an amazing thing  
20 that's happening here on the Northshore, you know 650  
21 feet it's really going to be something that folks are  
22 going to come specifically to Staten Island to do, so  
23 the economic development and the economic  
24 opportunities are going to be great. What I do, so  
25 I'm generally supportive of this project. I do want

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1  
2 to ask, this because it's such a large contract that  
3 is half a billion dollars which is the statement that  
4 you guys made and lofty goal is that we're trying to  
5 meet with MWBE and local hiring specifically MWBE,  
6 which I think is the one that going to be legally  
7 mandated, just wanted EDC to talk in regards to  
8 there's I guess, there's statistics that show that a  
9 lot of these companies a lot of these large  
10 organizations don't get to this goal ever or very  
11 rarely get to the 25% MWBE goal. And I kind of you  
12 know what's the enforcement that happens if you know  
13 50% through the project we see that only 10% of the  
14 MWBE have been hired or have done the job, what  
15 penalties are there in place for that? You know just  
16 want to know what your, what you do when they don't  
17 meet those goals and if you can give me an example of  
18 something you've done somewhere else when people  
19 weren't reaching their goals and to holding them  
20 accountable to that?

21 TOME MCKNIGHT: Sure well a key point is  
22 that there are goals. They're not requirements.  
23 There's a flexibility that's necessary acknowledging  
24 that projects are unique and require different types  
25 of trades and discipline which necessitate the



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25

1  
2 vehicle, with that said, those goals are included in  
3 our agreement with the Wheel project they are  
4 required to use best efforts to reach those goals.  
5 It there are reasons they can't reach these goals,  
6 they need to demonstrate why they can't reach those  
7 goals and we will assist them through different  
8 approaches to help them try and reach those goals.  
9 And that how we approach projects and they have been  
10 by in large successful, they are goal oriented for  
11 the reason I explained.

12 COUNCIL MEMBER REYNOSO: Is these are or  
13 what role are you playing in making do you guys have  
14 a list of all MWBE's do you make available to them  
15 with qualified folk in making sure they work.

16 TOM MCKNIGHT: Sure so just to separate  
17 the MWBE from the local piece.

18 COUNCIL MEMBER REYNOSO: Yes, I'm don't  
19 MWBE, do worry about the local part, let's do the  
20 MWBE.

21 TOM MCKNIGHT: Yes.

22 COUNCIL MEMBER REYNOSO: The goal  
23 because, to be honest goals... goals are made up, you  
24 don't need to hit them. You guy do as much as you  
25 can to make sure you get to you know that you get as

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26

1  
2 close as possible and then they make an effort and  
3 the local hiring is exact same thing, except one is a  
4 goal and one is not written but there both just you  
5 know made up things that were hoping we achieve, so I  
6 just want you know what our best efforts, you know  
7 what systems are in place by EDC that help us get  
8 there?

9 TOM MCKNIGHT: Right, so at EDC we have a  
10 pretty robust MWBE program and administration  
11 blueprint and the project will participate in that.  
12 It has been ongoing, there have been multiple  
13 outreach sessions with MWBE firms to help build  
14 capacity to help them understand that there's a  
15 project underway. There's been a lot of outreach to  
16 help drum up interest and engagement around that  
17 process. We've worked closely with the Councilwoman  
18 on that. We've, worked closer with local  
19 organizations on that to get the word out. The  
20 program is in place, we have to get the firms into  
21 the program so that they're aware what's available to  
22 them and to help build capacity.

23 COUNCIL MEMBER REYNOSO: And just so a  
24 heads up, the name of the organization that's doing  
25 the foundation is called Skanska (sic), what is it?

1                   SUBCOMMITTEE ON ZONING  
2                   AND FRANCHISES

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3                   RICH MARIN: Skanska, one of the largest  
4                   constructions companies in the world.

5                   COUNCIL MEMBER REYNOSO: And there and  
6                   just so there gonna stay the largest if there the  
7                   only one receiving the contracts which is trying why  
8                   we're trying to make it so that we do everything  
9                   possible to allow for other folks to receive these  
10                  large contracts and start developing their base and  
11                  just be able to compete against these large  
12                  organization and... and I get what you're saying about  
13                  the quality and the capacity of the work that needs  
14                  to get done and whether or not you can get those  
15                  qualifications but the only way we get there on the  
16                  MWBE's get there is they get a shot at it as well, so  
17                  maybe they won't get the entire contract or the  
18                  entire foundation but they're small, they can  
19                  possible do smaller one. Just want you guys to go  
20                  all out. This what I would love to say that when  
21                  this is done that you guys met all your goals and  
22                  this is like the premiere project. One of the  
23                  premiere projects in the City of New York when it  
24                  comes to development.

25                  RICH MARIN: Well the one thing I will  
                  say and I think the Council Member Rose would agree

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1 with this, of all the major projects on the North  
2 Shore I believe I'm the only one who's both sponsored  
3 both of the MWBE sessions and personally attended  
4 both of the sessions. We're the only project amongst  
5 those that have been at both of these session to make  
6 sure that our outreach is as thorough and competent as  
7 can be, so I... I... I believe the process is all about  
8 the effort we put in and we're putting in the effort.  
9

10 COUNCIL MEMBER REYNOSO: Thank you.

11 CHAIR RICHARDS: Just going back to..  
12 Skanska for a second so are they and I'm going also  
13 go back to Debbie in a second. So are they using  
14 sub-contractors on this job as well?

15 RICH MARIN: Yes.

16 CHAIR RICHARDS: Ok they are. And can you  
17 tell us what the pay is on scale for is it living  
18 wage, for most of these subs?

19 RICH MARIN: Well for... for..

20 CHAIR RICHARDS: Well what percentage?

21 RICH MARIN: Kind of, for the kind of  
22 people and union workers that are working on this  
23 site now, I don't think living wage becomes a serious  
24 issue because the, were paying them considerable more  
25 than living wage. I... I have committed to the City

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29

1  
2 that we will be a living wage organization and we  
3 plan.

4 CHAIR RICHARDS: So everybody on the job  
5 right now is receiving at least a living wage?

6 RICH MARIN: I believe so, the only.

7 CHAIR RICHARDS: No, I don't want to  
8 believe. I want to know.

9 RICH MARIN: Well, the only area I'm  
10 going to hedge my comment a little bit to be  
11 perfectly truthful is in our security force which is  
12 a local company, it's not an MWBE but like I said it...  
13 it... is likely to hand over to a MWBE shortly and I  
14 just don't know exactly what the top level is for  
15 those people. It's a local firm, it may be living  
16 wage at this point, I hope it is. I will check that.

17 CHAIR RICHARDS: All right, we would love  
18 the information back. If I'm betting person because  
19 I know security jobs all over the City and a lot of  
20 are in living wages, I would probably be right if I  
21 said that it probably not receiving a living wage,  
22 however, we would love for you to go back into look  
23 at that in particular because we know that a lot of  
24 the low level security jobs that, most likely being  
25 provided in particular at this job or in I'll just

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1  
2 put it out there may not be politically correct but  
3 I'm sure these are people of color who live in  
4 certain parts of Staten Island, who don't have the  
5 opportunity to... to... to... to break out poverty cycles.  
6 So it is a little uncomfortable to say but if I'm a  
7 betting person I know that's what's happening on this  
8 job so, we would really appreciate you going back and  
9 looking at that in particular. So I will now go, I'm  
10 going to go back to Council Member Rose and will go  
11 to Council Member Greenfield followed by Council  
12 Member Gentile also Council Torres.

13 COUNCIL MEMBER ROSE: I'm going to brief  
14 but I really would like to thank the Council Members  
15 for their drilling down about the MWBE and local  
16 hiring, as... as we know we've used words like historic  
17 and transformational and this project is really is  
18 and that's why I'm supporting this project. It is  
19 you know an economic boom for Staten Island but I  
20 also and... and this has been my goal throughout this  
21 whole process to make sure that the Staten Island  
22 community also are beneficiaries of... of the largest  
23 that comes to this project. So I really do  
24 appreciate my colleagues drilling down on the MWBE  
25 and the local hiring and as we've had meetings you

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1 know, you know that's this is something that I'm  
2 going to be following up on. And... and just you know  
3 I was speaking with the community, one of the  
4 community members that came to testify today and one  
5 of the changes to the project were, was from sort of  
6 a mechanical ventilation to open air, so could just  
7 for the record talk about the environmental sort of  
8 impact in terms of the changes to the design and  
9 scope of the project by using the open air  
10 ventilation especially in the close proximity of the...  
11 of the playground and with the ramping close to the  
12 playground. Could you.

14 RICH MARIN: Sure.

15 COUNCIL MEMBER ROSE: Just re-visit that  
16 impact. Thank you.

17 RICH MARIN: I would, I would be glad to  
18 but unfortunately I have with me Peter Leibowitz from  
19 AKRF our Environmental Consultants who in fact  
20 studied that exact issue for us.

21 PETER LEBOWITZ: Yes Peter Leibowitz from  
22 AKRF, so when the garage changed and it's format we  
23 examined that from an air quality basis and  
24 essentially of open wall garage with natural  
25 ventilation disburses the admissions much more, much

1 more in a kind a wide spread pattern, so it's not as  
2 concentrated. What we did specific to the playground  
3 is we actually did the modeling that said what if all  
4 of that was happening right near the playground and  
5 now of the potential modeling results showed any  
6 level on adverse impact at all, so basically it's a  
7 not a change that has any affect including any of the  
8 changes to the... the... the ramping that was proposed.  
9 So basically from an air quality admission  
10 prospective, the project does not have potential to  
11 generate impacts to that use.

13 CHAIR ROSE: Is that because the is that  
14 because it the exhaust pretty much sort of  
15 dissipates.

16 PETER LEBOWITZ: Right.

17 COUNCIL MEMBER ROSE: We as what would  
18 have been the difference than with the mechanical  
19 tower.

20 PETER LEBOWITZ: So with the mechanical  
21 tower and I don't remember exactly where it's located  
22 now but basically would have been mechanically  
23 ventilated to a single point emission you know  
24 essentially it smokes type of thing that would of  
25 taken all of the ventilated in the garage and put



1  
2 into at one point. So for the first EIS when that  
3 was the case we modeled that point and it's closest  
4 location to any sensitive use like the playground,  
5 like the sidewalk. And it's similarly was a  
6 sufficient distant and height that it did not have an  
7 impact.

8 COUNCIL MEMBER ROSE: Ok, thank you and I  
9 do want to say Rich we have worked together on the  
10 MWBE and you know I am, I'm grateful that you know  
11 that you've been you know so forthcoming and  
12 receptive to the MWBE on Staten Island and you have  
13 hosted both. I don't want to give the impression  
14 that, that has not happened. It has, but... but we  
15 also need to see now the trickle down of effect of  
16 you know of those meetings of the meet and greets and  
17 whatever, I want, I really truly want to make that a  
18 reality. We put forth the effort and I want to see  
19 the community actually benefit from the efforts that  
20 you've made.

21 RICH MARIN: Yes, we take it seriously,  
22 we will track it seriously and we will report back  
23 seriously on it.

24 CHAIR RICHARDS: Thank you, I will go to  
25 Council Member Greenfield.

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1  
2 COUNCIL MEMBER GREENFIELD: Thank you Mr.  
3 Chairman and thank you for your testimony today, I'm  
4 just curious about a couple of things. What's the  
5 cost differential between the original plan and the  
6 current plan?

7 RICH MARIN: The original plan was  
8 started at about 250 million and it's now 510 million  
9 dollars.

10 COUNCIL MEMBER GREENFIELD: Ok let me  
11 revise that, what the cost differential between  
12 the plan that was agreed upon in 2013 that we signed  
13 off on in the City Council and the plan that you're  
14 currently coming back up with today on October 20,  
15 2015.

16 RICH MARIN: The... the plan that was  
17 approved was estimated at the time to be about 350  
18 million dollars and the current plan is 510 million  
19 dollars.

20 COUNCIL MEMBER GREENFIELD: What... what  
21 changed in terms cost?

22 RICH MARIN: I would start by saying that  
23 the amount of civil engineering and the amount of GEO  
24 technical engineering required on this project far  
25 exceeded our expectations. The load issues and the

1 quality of rock underneath the Wheel itself, was,  
2 were considerably different then we had originally  
3 hoped. The rock for instance, the serpentine rock  
4 that has layers of natural epitasis in it, so there  
5 were all sorts of issues which we encountered about  
6 that. That certainly added to the overall cost.  
7 Part of that cost increase quite frankly is an  
8 average 20% partum cost increase in just building in  
9 New York City because of the high level of activity.  
10 But It's really been a combination of those elements  
11 and those two elements and a little bit of some of  
12 the added amenities that we've you know had to put in  
13 to meet all over our obligations.

14  
15 COUNCIL MEMBER GREENFIELD: The added  
16 amenity since the project was approved?

17 RICH MARIN: Yes.

18 COUNCIL MEMBER GREENFIELD: Such as?

19 RICH MARIN: Well for instance the added  
20 cost of putting in the... the landscaping and ramping  
21 that had to go in for the ADA compliant ramp. When  
22 we changed this configuration we added many more  
23 ramps and many more great staircases if you look at  
24 the prior plan, they're many more access points,  
25

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1 which had to do with making this new plan work. And  
2 those were quite costly.

3  
4 COUNCIL MEMBER GREENFIELD: Got it.

5 What, so the main focus of the changes have to do  
6 with the GEO technical analysis, is that correct?

7 RICH MARIN: That's correct. That's what  
8 drove most of the changes.

9 COUNCIL MEMBER GREENFIELD: Got it. What  
10 is I'm just curious, what is the GEO technical  
11 analysis have to do with the elimination of the water  
12 feature?

13 RICH MARIN: It didn't really have  
14 anything to do with the elimination of the water  
15 feature. The water feature was part of the cost  
16 containment to make the added cost of all of the  
17 changes we had to make more... more let's just say  
18 reasonable. The... the water feature, please  
19 understand was never really a fountain, it was a  
20 scrim (sic), it was a small amount of water on top of  
21 a surface because of the... the levels that we were  
22 dealing with, it was a very small amount of water.  
23 If you'd like to hear about the water feature I  
24 happen to have our senior partner from Ampaul

25

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1 Freiburg (sic) who designed it and indeed recommended  
2 eliminating it if you'd like to hear from him.  
3

4 COUNCIL MEMBER GREENFIELD: No, I'm just  
5 curious, my only point is that we're discussing, when  
6 we're discussing the context of it, which is  
7 perfectly acceptable I just want to be clear on the  
8 record right, so some changes are related to the GEO  
9 technical analysis others are not, some have to do  
10 with cost.

11 RICH MARIN: Absolutely.

12 CONCIL MEMBER GREENFIELD: It's ok, I  
13 just want to.

14 RICHA MARIN: Absolutely.

15 COUNCIL MEMBER GREENFIELD: Make sure the  
16 record reflect that completely as to why it is the  
17 changes are being proposed here today.

18 RICH MARIN: Well just to that point,  
19 let's also be honest about it. On the, on the bad  
20 soil condition, you can build on it.

21 COUNCIL MEMBER GREENFIELD: Yea.

22 RICH MARIN: It's just so darn expensive.

23 COUNCIL MEMBER GREENFIELD: Sure.

24 RICH MARIN: That you can't afford to  
25 build on it, so yes, there are certain things that we

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1 eliminated because of cost for instance. Having to  
2 squeeze down the size of... of our program space in our  
3 terminal. Something I certainly didn't want to do  
4 but we did in order to accommodate mostly the  
5 maintaining the parking obligation that we had. So  
6 yes there were certain compromises we've made because  
7 of cost because the cost had risen so darn high.  
8

9 COUNCIL MEMBER GREENFIELD: And lower the  
10 size of the playground as well.

11 RICH MARIN: No, that was not a cost  
12 issue. The play, we were glad to make the playground  
13 the exact same size if we hadn't had to if I may just  
14 point to it. Right here if we, if we hadn't had to  
15 make an ADA compliant ramp up to the top, that used  
16 the what remaining space we would have expanded the  
17 playground to the original size, so instead knowing  
18 that we only had a limited amount of size on that  
19 level. We actually first suggested putting it at a  
20 higher lever but City Planning reminded us that would  
21 not be as community friendly. So to maintain the  
22 community friendly level of the playground and still  
23 have the ADA compliant roof, we only had so much  
24 space, so instead we commissioned the MPFP to make  
25

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1  
2 sure that the play value was actually maintained or  
3 enhanced which is what they did.

4 COUNCIL MEMBER GREENFIELD: I think, I...  
5 I... I think the moral of the story from our  
6 prospective honestly is were not particular thrilled  
7 in general when applicants come in and try to change  
8 projects and were supportive of the project and I  
9 think that the Council Member here Debbie Rose has  
10 done fantastic work under the circumstances but part  
11 of the questioning and part of our concern is just  
12 the general philosophy right, which is that when we  
13 like to believe and think EDC I image likes to  
14 believe this as well that when we sign off on a  
15 project the project is done, right and not that folks  
16 come back later and say well we didn't realize, we  
17 didn't know it was too expensive, we didn't figure  
18 this out, you know in our few you know that... that is  
19 part of the, that is part of the nature of the  
20 business. So folks who develop in this town is to  
21 sort of have a good understanding of what projects  
22 are and what they will cost and how prices do rise in  
23 all of that from our perspective should be taken into  
24 consideration, so it's not that we're, it's not that  
25 we're opposed to changes just it's not something that

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1 quite frankly we're thrilled about. I see our friend  
2 from EDC would really like to weigh in on this, so  
3 will give him the opportunity. Will give him the  
4 opportunity to do so.  
5

6 RICH MARIN: I need, I need, I need to  
7 say two things to that, quite frankly. The first one  
8 is I think you were very rarely presented with a  
9 project that is as unique and.. and structurally as  
10 challenging as this one. This is, this is the  
11 largest in the world ever built of one of these  
12 things.

13 COUNCIL MEMBER GREENFIELD: Yea.

14 RICH MARIN: And it, and it really, there  
15 isn't a lot of history to draw on to.. to be exact at  
16 every state, so yes there have been more changes  
17 perhaps then normal. Secondly, the biggest cause of  
18 the change was an uncertainty by DOB as to whether  
19 the 08 code or the 14 code would apply to us. When  
20 the 14 code was applied to us obviously we complied  
21 and did everything, but part of that was the  
22 standards for liquefaction. So in all fairness a lot  
23 of those changes were not because of things that we  
24 overlooked or didn't spend the time to consider  
25 properly but rather they were simply changes that we



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1  
2 had to deal with. The same with the MTA changes,  
3 those weren't known to us. A lot of these things  
4 only developed over... over time and in 2014 after the  
5 initial approval.

6 COUNCIL MEMBER GREENFIELD: To be fair  
7 some of those changes were your fault and some of the  
8 changes were not your fault and I would concede that  
9 point that the message that I'm trying to relay is  
10 not just this particular applicant, it's just in  
11 general is that we in the Council are not thrilled  
12 when applications that have been approved come back  
13 to us for changes because at the time that we approve  
14 an application we like to believe that whatever  
15 agreements were made will in fact be kept and will be  
16 able to move one. So I'm not, it's not matter of  
17 pointing finger, I'm just explaining why you're  
18 getting a lot questioning today is because there is  
19 just overall concern about this concept of coming  
20 back and making changes to a project that have been  
21 previously approved. Our friend from EDC is really  
22 excited about this so I'm happy to give him the  
23 opportunity to respond as well.

24 TOM MCKNIGHT: Yea, I just... just to  
25 comment on that.

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COUNCIL MEMBER GREENFIELD: Please.

TOME MCKNIGHT: I... I think that both Mr. Marin and I would agree that it wouldn't be the first choice to come back and make necessary changes, but... but it was required and the... the origin of the project is, it's a unique project for New York and because of that the zoning framework that the City wanted to put in place here is detailed, it is specific and it allowed for limited flexibility and that's, that is a factor in why we're back here at the Council because it, because it was, it is not standard development project that we're more accustomed to. It is a unique project. As a result of that, there was a decision to be a little bit more specific in the zoning requirements which in this case is a special permit.

CHAIR RICHARDS: All righty. Thank you.  
Will go to.

COUNCIL MEMBER GREENFIELD: I certainly, I certainly appreciate that I just Tom I just would end with one note which is don't make it habit to come back here too often to change these projects. I respect this and I think that we understand it and certainly we support Council Member Rose who's done

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1  
2 outstanding work over here, but just in general it's  
3 not, it's not a good president that we like to  
4 establish and that's quite frankly why we're asking a  
5 lot of questions. Thank you.

6 CHAIR RICHARDS: All righty will go  
7 Council Member Gentile.

8 COUNCIL MEMBER GENTILE: Thank you Mr.  
9 Chairman. Just out of curiosity had the code the  
10 2014 code not been imposed you're, you would have  
11 been able to put in the supporting structure for the  
12 garage in a safe manner, despite the fact that it had  
13 that... that... that consistency liquefaction it's  
14 called?

15 RICH MARIN: Well that's an interesting  
16 sort of philological question more than a practical  
17 question. Let's put it this way, the standard that  
18 the new code implied required us to do additional  
19 testing and when we did the additional testing this  
20 particular area of the sight didn't meet those  
21 standards. So I think it's fair to say that the code  
22 did a good job of keeping us from building in an area  
23 where we probably shouldn't have built.

24

25

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1  
2 COUNCIL MEMBER GENTILE: I see so, again  
3 philosophically you would have found that out at some  
4 point if you had stayed with the 2008 code.

5 RICH MARIN: We might have, yes.

6 COUNCIL MEMBER GENTILE: I see. I  
7 looking at your... you diagram here and you talked  
8 about the MTA easement now you're saying that... that  
9 at this point is a non-use for the MTA?

10 RICH MARIN: Well the MTA actually has no  
11 track there at this moment. They will replace about  
12 800 feet of track and it will be a siding where they  
13 will park on occasionally train and/or unload a train  
14 I meanly like with materials and/or wash trains but  
15 it will not be active throughway if you will.

16 COUNCIL MEMBER GENTILE: So that to your  
17 knowledge has no plans to extend the railway?

18 RICH MARIN: Well it's a much as the  
19 Council Member from Staten Island know it's a much  
20 debated issue and there is a desire for many  
21 constitutes to have some North Shore transportation  
22 capability whether a light rail or a bus rapid  
23 transit and what we've done is insured that the site  
24 is capable of handling either in the future when the  
25 community and the City decided to do something there.

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1  
2 COUNCIL MEMBER GENTILE: I see. But I do  
3 see that you... you have on the, on the map here a  
4 shuttle stop for ferry service so is that a shuttle  
5 that you'll run?

6 RICH MARIN: Yes.

7 COUNCIL MEMBER GENTILE: You'll be  
8 running that shuttle from there?

9 RICH MARIN: Yes, we have an obligation  
10 and plan to run shuttles both to the parking garage  
11 but also every 3<sup>rd</sup> or so shuttle based on demand, I  
12 will also or committed to taking those shuttle out to  
13 Snuge Harbor (sic) cultural center.

14 COUNCIL MEMBER GENTILE: Great.

15 RICH MARIN: To be able to make sure that  
16 they cultural on Staten Island benefits from these  
17 three to four million people we expect to draw.

18 COUNCIL MEMBER GENTILE: Well that, then  
19 you took my last question away from me because I was  
20 going to ask you.

21 RICH MARIN: That's... that's committed to  
22 our restrictive declaration.

23 COUNCIL MEMBER GENTILE: Excellent,  
24 that's good to know, that's good to know. Certainly  
25 this area was part of my district when I was in the

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1  
2 State Senate, so I know it very well and I know how  
3 difficult it has been to get development in this  
4 area, so my hats off to Council Member Rose for all  
5 the good work she's done to finally, finally, finally  
6 make this reality, so thank you and thank all of you.

7 CHAIR RICHARDS: Thank you, will go to  
8 Council Member Ritchie Torres now.

9 COUNCIL MEMBER TORRES: I have a question  
10 for, if I remember if I heard correctly the local  
11 hiring goal is 25%?

12 RICH MARIN: Yea, well the MWBE goal is  
13 25% there is no stated percentage for local hiring  
14 but I said that sort of what will commit to setting  
15 as a goal.

16 COUNCIL MEMBER TORRES: You will be  
17 willing to expire to 25%.

18 RICH MARIN: Yes, there will be some  
19 natural overlaps for instance; Walsh Electric is a  
20 local firm that is woman owned.

21 COUNCIL MEMBER TORRES: And if I remember  
22 correctly EDC said the vehicle for local hiring would  
23 be NYC Hirer?

24 RICH MARIN: On a permanent bases for  
25 permanent jobs, yes that's correct.

SUBCOMMITTEE ON ZONING  
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2

COUNCIL MEMBER TORRES: And so does NYC

3

Hirer define local hiring?

4

RICH MARIN: Local hiring would be

5

defined on a I believe at a community district level

6

based on a, based on a percentage or an average.

7

COUNCIL MEMBER TORRES: Ok so the

8

commitment is to have 25% of the workers and the

9

project come from the local community district is

10

that?

11

RICH MARIN: Well on a permanent basis I

12

would hope that we'd have far in excess of 25% from

13

the local community because you want workers that

14

don't have long commutes.

15

TOM MCKNIGHT: Are target for just so

16

were clear on local hiring versus MWBE on the MWBE

17

side as we said the goal is 25% what we seek to

18

achieve through Hire NYC is 15%.

19

COUNCIL MEMBER TORRES: What about the

20

construction jobs.

21

TOM MCKNIGHT: Oh excuse me, 50% 5-0.

22

RICH MARIN: Well I think the

23

construction jobs we're greatly benefited by the fact

24

that 37% of Staten Islanders are union members and

25

that makes it what the largest, the most unionized

SUBCOMMITTEE ON ZONING  
AND FRANCHISES

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1  
2 county in America I understand, so a lot of our  
3 workers on site that are union members will be from  
4 Staten Island but that's not been specifically looked  
5 at. We tend... tend to focus on MWBE and local  
6 companies, meaning those that are have their  
7 headquarters residing in Staten Island.

8 COUNCIL MEMBER TORRES: And I suspect you  
9 done many project before so, what's... what's your  
10 track record with respect to local hiring and MWBE?

11 RICH MARIN: Actually this is the first  
12 Wheel I've ever built and no I.

13 COUNCIL MEMBER TORRES: Another project.

14 RICH MARIN: I'm an investment banker  
15 that is and we've every institution I've ever worked  
16 in has complied with the MWBE requirements on Wall  
17 Street.

18 COUNCIL MEMBER TORRES: Is this your  
19 first development or?

20 RICH MARIN: In a manner of speaking yes,  
21 I was I did run a... a development company in distress  
22 for two years trying to take out of distress which we  
23 succeed at and it had 22 projects many of which were  
24 in New York but they weren't ground up building like  
25 this.



SUBCOMMITTEE ON ZONING  
AND FRANCHISES

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1  
2 COUNCIL MEMBER TORRES: Well like Council  
3 Member Reynoso I won't ever have the opportunity to  
4 visit the Wheel because I'm deathly afraid of heights  
5 and I have no skill as a baseball player, so I would  
6 never go to Staten Island. But I love Debbie.

7 RICH MARIN: We have lots of other things  
8 for you.

9 COUNCIL MEMBER TORRES: So that's why I  
10 became an elected official. But thank you Mr.  
11 Chairman.

12 CHAIR RICHARDS: Thank you. All righty,  
13 all righty, well I want to thank you and.. and  
14 certainly Council Member Rose and I don't want to  
15 take away from the work that you've done, we really  
16 appreciate the sessions you've done and the work that  
17 you've done to obviously get here. I will just  
18 request that we have in particular, so you said  
19 there's a 50% we want to see these things in writing  
20 if they can be submitted to the Committee and also to  
21 Council Member Rose and then also if we can also have  
22 in writing your commitment to also forming a task  
23 force which we, which Council Member Rose would lead  
24 and perhaps with... with perhaps some local  
25 organizations to ensure that there's a long term plan

SUBCOMMITTEE ON ZONING  
AND FRANCHISES

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1 on the local hiring and MWPE piece so. Can I get  
2 that commitment on the record?  
3

4 RICH MARIN: You have that commitment and  
5 my Land Use Attorneys and the front row are here  
6 taking corpus notes to that affect.

7 TOM MCKNIGHT: Just to clarify in that  
8 last note, there is an agreement both amongst the  
9 Wheel as well as Empire Outlets to participate in a  
10 Committee that would be led by Councilwoman Rose.

11 CHAIR RICHARDS: That's correct, I just  
12 want it in writing. [crosstalk]

13 RICH MARIN: Yes, sure.

14 CHAIR RICHARDS: OK. All righty, all  
15 righty with that being said we will now, you're  
16 welcomed to leave and reach new heights. I'm not  
17 afraid of heights, so I will certainly come and take  
18 a ride on the Ferris Wheel. But I also want you to  
19 ensure that the residents reach higher heights as  
20 well.

21 RICH MARIN: Well as you know, we're...  
22 we're letting all Staten Island School Children ride  
23 it for free for the first five years.

24 CHAIR RICHARDS: That's great, all right.  
25

SUBCOMMITTEE ON ZONING  
AND FRANCHISES

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1  
2 RICH MARIN: And all New York City School  
3 Children for the first year.

4 CHAIR RICHARDS: Ok.

5 RICH MARIN: Ok.

6 CHAIR RICHARDS: All righty, thank you so  
7 much, appreciate it, thank you. All righty, so we  
8 will now go to we have one more person who's going to  
9 testify on this item and it's Michael Harwod (sic), I  
10 think I said it right and he's representing himself  
11 and St. George Civic Association as well. Just state  
12 your name for the record and then you may begin and  
13 just hit the button so we can hear you.

14 MICHAEL HARWOD: Good morning my name is  
15 Michael Harwod I'm a resident of St. George, I live  
16 in St. Marks Place, I'm also a member of the St.  
17 George Civic Association and I've been consulting  
18 with the Civic Association Executive Board so I have  
19 their permission to speak on behalf of the  
20 association as well. We were only notified of this  
21 hearing at a quarter to six last night, so I didn't  
22 have time to print out testimony and no other member  
23 of our community were able to attend and  
24 unfortunately this is not terrible surprising  
25 situation under these circumstances. I echo Council

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1  
2 Member Greenfield's comments, he had to leave but  
3 there were extensive hearings Ulerb (sic) process for  
4 a year where the community was very much involved  
5 before this project was approved in December 2013, we  
6 had what we thought was extensive input, changes were  
7 made in response to our concerns. The community was  
8 concerned about having a three story parking garage  
9 that was going to block access to the Waterfront but  
10 we were promised that it would be completely  
11 enclosed, it would be an invisible garage with a  
12 green burm (sic) surrounding it, full access to the  
13 Waterfront, a lovely playground and it would actually  
14 although it would block views from the street level  
15 people could walk out and see the Waterfront and it  
16 would actually be an improvement. And just to  
17 mention the Empire Outlets, we were also had concerns  
18 about that but we were promised certain things with  
19 that project and particularly as Council Member  
20 Richards and Reynoso and others have commented there  
21 were promises of local community hiring, there would  
22 be job fairs, there would be apprenticeship programs  
23 and there would be well paid jobs for locals. So  
24 with some reluctance our community board, I mean our  
25 St. George Civic Association voted in a close vote to

SUBCOMMITTEE ON ZONING  
AND FRANCHISES

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1  
2 approve both of the projects and to support them and  
3 go ahead. I was a bit more enthusiastic then some of  
4 our other members but people were concerned. Since  
5 then in the year and a half that happened since then  
6 numerous promises have been broken. The Empire  
7 Outlets promised us during the hearings that they  
8 could not break ground until they were 50% rented and  
9 they would be high end outlet stores and high end  
10 food court. They broke ground last April, we found  
11 out only last week that they reached their 50%  
12 renting which they were promised they couldn't break  
13 ground that the City apparently didn't enforce that  
14 and we were told we are getting an Applebee's and a  
15 Gap. Hardly high end food court, hardly high end  
16 shopping that's going to attract tourist to our  
17 neighborhood. We're going to get low cost, low wage  
18 jobs for retail employees and waiter and waitresses.  
19 They were also promised that there would be job fairs  
20 and an apprenticeship program to hire local people.  
21 Initially they weren't going to go union they were  
22 pressed and switched to union St. George Civic  
23 Association has not heard one about job fairs for our  
24 neighbors and residence, we have not heard anything  
25 with the community board about any kind of

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1  
2 apprenticeship programs that are being set up, there  
3 have been no invitations for local residents to be  
4 hired. And were thrilled and.. and happy that they've  
5 promised union jobs, but I can tell you that when the  
6 St. George Court House was built fully union all we  
7 saw was New Jersey license plate parked in our  
8 neighborhood. We've never heard of anyone local  
9 getting the jobs. So you know were thrilled that  
10 there's promises going forward and there's going to  
11 be wonderful jobs for our local residences to sell t-  
12 shirts at the Gap but we have not seen any follow  
13 through from that project on the high end  
14 construction jobs that as Council Member Richards  
15 said will raise our local residents to higher  
16 heights. Then we find out a couple of months ago  
17 after a year of discussion that these changes are  
18 being made to the Wheel project and we were told  
19 several days before the community board one was  
20 having hearing on these projects and we were told and  
21 I'm not, and I'm quoting that the Chairman of the  
22 community board told the President of our Civic  
23 Association don't bother coming to the hearing  
24 because we're going to rubber stamp the project.  
25 Those were his words. And sure enough we had a

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1 hearing where they allowed two member, two people  
2 from the public to speak for, two people to speak  
3 against for only two minutes each, which is against  
4 the Ulerb rules and not a single community board  
5 member asked a single question and they voted to  
6 approve this project without finding out anything  
7 about how these changes would affect the neighborhood  
8 or responding to our concerns. After that frankly we  
9 were invited finally into the room to meet with City  
10 Planning and Mr. Marin to talk about what the changes  
11 were but we were told at that meeting that it was too  
12 late because if we asked for any more changes or any  
13 further delay he would lose his funding the project  
14 would be killed so we had to take it or leave it. As  
15 a result of that St. George Civic Association  
16 Executive Committee has voted to now oppose this  
17 project because we have no choice. Our promises have  
18 been repeatedly broken and we have no confidence that  
19 those promises will be kept in the future. EDC did  
20 not enforce the promise that Empire Outlet made and  
21 Mr. Marin I sure comes here in good faith but when  
22 that process for these changes began he told City  
23 Planning that he didn't think it even, that these  
24 were tweaks and they didn't need go through a new  
25

SUBCOMMITTEE ON ZONING  
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1 application in the new ulberb process, he didn't need  
2 to come and even if City Planning approved it he  
3 didn't need to come before the City Council.

4 Obviously these are not tweaks. We are concerned  
5 about the open sided garage, no neighborhood wants a  
6 garage on they're Waterfront. Before it was  
7 completely enclosed with a burm, with grass sides.

8 Now we got an open sided parking garage with truck  
9 and bus fumes coming out to our neighborhood onto the  
10 playground. There is now an open ramp, the pictures  
11 gone now, the ramp before was covered so children now  
12 playing on a ramp where they admit the fumes will be  
13 floating up into the children's lungs.

14  
15 CHAIR WILLIAMS: Ok I'm going to ask you  
16 sum up.

17 MICHAEL HARWOD: I will sum up. The  
18 changes to this project are a substantial change to  
19 the tenor of our neighborhood and the promises that  
20 have been made in the past have not been kept and we  
21 have no reason to think they will be kept in the  
22 future. We in the neighborhood strongly urge this  
23 committee to send back to City Planning so that they  
24 can find ways to... to react some of the initial  
25 amenities we were promised and just one last thing,



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1 Council Member Greenfield asked about the increase in  
2 cost and when you were told it went up from 350  
3 million to 510 and Mr. Marin said that was because of  
4 civil engineering and because of landscaping. I'm a  
5 lawyer now, I'm an undergraduate degree I was aboton  
6 (sic) the botany major a BS in Botany. Looks like I  
7 should have been a landscape architect if it cost  
8 them a 150 million dollars for civil engineering and  
9 landscaping. The reason that we are not being given  
10 full information about this project and we ask that  
11 it go back and be presented for further community and  
12 put in further review. Thank you.

14 CHAIR RICHARDS: Thank you for testimony.  
15 Ok and will just now ask you to... to work with Council  
16 Member Rose in particular and stay in touch with her  
17 as we move, as we move through this process.

18 MICHAEL HARWOD: We have been and with  
19 Borough President Outo(sic) but unfortunately as I  
20 say the process was presented to us these changes  
21 which are clearly not tweaks as the (inaudible  
22 1:06:19)take it or leave it and you guys don't want  
23 to be the people cause you're going to be hated on  
24 Staten Island and in the City. You guys don't want  
25 to be the people who are going to stop this project

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1  
2 and you're going to be the blame if I lose my funding  
3 and if I can get this done. Well you know what he  
4 knew about the serpentine rock, he knew about the  
5 problems in this neighborhood, he knew about these  
6 issues and he should have planned better for this.  
7 And if he runs out of money because he didn't plan,  
8 that's on him, it's not on us.

9 CHAIR RICHARDS: All right, I have one  
10 more question from Council Member Reynoso.

11 COUNCIL MEMBER REYNOSO: So and it kind  
12 of speaks to these whole promises situation as oppose  
13 to mandates when it comes to MWBE and hiring but it's  
14 good to get your prospective on... on this. I think  
15 Council Member Greenfield who is the Chair of Land  
16 Use sort of appreciated being here to listen to your  
17 testimony.

18 MICHAEL HARWOD: I did try to catch him  
19 in the hall as he was leaving but.

20 COUNCIL MEMBER REYNOSO: It's just, we  
21 got to be very mindful I'm glad we got two sides  
22 today, it is very concerning but if we are talking  
23 about whether a project goes up or down you know and  
24 that we get this opportunity here to make that happen  
25 but finances being in jeopardy for any further delays

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1  
2 you know we're really caught between a rock and hard  
3 place here. But ultimately the... the general, the  
4 project in general is going to be somewhat similar to  
5 what we originally agreed to and hopefully will do  
6 our part in trying to hold them accountable and have  
7 EDC actually show up and enforce in a real way. But  
8 it's just were stuck between a rock and a hard place  
9 is you could only imagine.

10 MICHAEL HARWOD: I... I that may be the  
11 case but our view is that we who live in the  
12 neighborhood are going to be crushed between that  
13 rock and that hard place. And our neighborhood, the  
14 benefits that we were promised we don't think are  
15 going to come to pass as they were originally  
16 intended and... and unfortunately we can no longer  
17 support this project.

18 CHAIR RICHARDS: Thank you for your  
19 testimony. All righty are there any other members of  
20 the public who wishes to testify? Seeing none I will  
21 now close, officially close the public hearing on  
22 L.U. No. 288. And we actually are going to couple  
23 this for a vote now to approve this item L.U. No. 288  
24 and I would ask the clerk to call the roll.

25 COMMITTEE CLERK: Chair Richards.

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CHAIR RICHARDS: I vote I.

COMMITTEE CLERK: Council Member Gentile.

COUNCIL MEMBER GENTILE: I vote I.

COMMITTEE CLERK: Council Member

Williams.

COUNCIL MEMBER WILLIAMS: I

COMMITTEE CLERK: Council Member Reynoso.

COUNCIL MEMBER REYNOSO: I vote I.

COMMITTEE CLERK: Council Member Torres.

COUNCIL MEMBER TORRES: I vote I.

COMMITTEE CLERK: Land Use Item 288 is approved with 5 votes in the affirmative, 0 in the negative and 0 abstentions. And to refer to the full Land Use Committee.

CHAIR RICHARDS: All righty, thank you.

All righty I will now open the public hearing for L.U. No. 289 and application to modify a previously approved restrictive declaration to allow for the conversion of an existing building to a gym. This property is located at 1-37 12<sup>th</sup> Street, Brooklyn in Council Member Lander district and I just want to put on the record we have a statement in support of this project from Council Member Lander which he also negotiated with the applicant and.. and is working and

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2 is basically will work with modification to preserve  
3 some of the restrictions particularly on this  
4 property. So I will now call the applicant up to  
5 Jordan Most (sic) who I've got to know over the years  
6 from Sheldon Lovell (sic) you were here on good terms  
7 today. So as I mentioned before Council Member  
8 Lander negotiated with applicant on some particular  
9 modifications to preserve some restriction on the  
10 property and I will now ask Mr. Jordan Most to... to  
11 one present where you're from again and state your  
12 name for the record and then to just go through in  
13 particular some of the restrictions that Council  
14 Member Lander worked on.

15 JORDAN MOST: Jordan Most from Shell  
16 Mobel's office (sic) office. I'm half of Hamilton  
17 Plaza Associates which owes that shopping center  
18 which as some of you may know contain a across the  
19 street from a Lowe's is between the Lowe's and  
20 Guawans Canal (sic), it's a got a fairly large  
21 parking lot, a supermarket, a path mart and a four  
22 story building that has some commercial and warehouse  
23 uses at the property. The supermarket is allowed  
24 there pursuant to a special permit that dates back to  
25 board of estimates days, was approved in 1977 and

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2 1979 it was renewed and there is, there as a  
3 condition to allowing the supermarket in excess of  
4 10,000 square feet where some conditions that were  
5 imposed on the tall adjacent building namely the 3<sup>rd</sup>  
6 and 4<sup>th</sup> floors were limited to specifically office  
7 use and warehouse use. It was largely a reaction to  
8 commercial use sensitivity on nearby 3<sup>rd</sup> and 4<sup>th</sup>  
9 avenues in that neighborhood. Today were seeking to,  
10 we were originally seeking to completely remove the  
11 restrictions on the 3<sup>rd</sup> and 4<sup>th</sup> floor but after  
12 discussing the matter with Council Member Lander's  
13 Office it was agreed that we would modify the  
14 restrictions, particularly to allow a gym a physical  
15 cultural establishment that already had secured a... a  
16 special permit from the board of standards and  
17 appeals in January. Hoping and anxious to get into  
18 the 3<sup>rd</sup> floor space and the so the a the basically  
19 the agreement I believe that memorialized in Council  
20 Landers statement is that the 3<sup>rd</sup> and 4<sup>th</sup> floors would  
21 be still limited to office warehouse would now also  
22 allow a gym use and a generally use group six retail  
23 uses with some limitation as to eating and drink  
24 establishments. So it's broaden a little bit but  
25 they're still some... some limitations in place. And

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1  
2 that's really the essence of it. We, the nature of  
3 the application that City Planning was also  
4 certification Waterfront certification which is  
5 already passed through City Planning.

6 CHAIR RICHARDS: So you're not going to  
7 come seeking any other changes after this. Can I get  
8 that on the record?

9 JORDAN MOST: Well in fact the language  
10 that's in the restrictive declaration I'm not making  
11 light of that comment actually says that any other  
12 uses that other than these stated permitted uses need  
13 to be specially permitted by the City Council and the  
14 City Planning Commissions, so but we don't plan any  
15 other immediate changes to the proposal as it's on  
16 the table.

17 CHAIR RICHARDS: Ok great, well we would  
18 have a say so in that anyway.

19 JORDAN MOST: Right.

20 CHAIR RICHARDS: I just wanted to put  
21 that out there, any questions from my colleagues on  
22 this items? All righty anyone else here to speak on  
23 this item? All righty seeing none I will now close  
24 this particular public hearing and we will now move  
25 on to vote to approve L.U. No. 289 with modifications

SUBCOMMITTEE ON ZONING  
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1  
2 that were discussed by Mr. Most. Ok, seeing none,  
3 ok. We will now ask the clerk to call the vote.

4 COMMITTEE CLERK: Chair Richards.

5 CHAIR RICHARDS: I vote I.

6 COMMITTEE CLERK: Council Member Gentile.

7 COUNCIL MEMBER GENTILE: I vote I.

8 COMMITTEE CLERK: Council Member Williams.

9 COUNCIL MEMBER WILLIAMS: I.

10 COMMITTEE CLERK: Council Member Reynoso.

11 COUNCIL MEMBER REYNOSO: I vote I.

12 COMMITTEE CLERK: Land Use Item 289 is  
13 approved with modifications with 4 votes in the  
14 affirmative, 0 in the negative and 0 abstentions and  
15 it's referred to the full Land Use Committee.

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 27, 2015